

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mobile Home Landlord and Tenant Rights Act
5 is amended by changing Sections 3 and 11 and by adding Sections
6 8.6, 10.5, 10.6, and 10.7 as follows:

7 (765 ILCS 745/3) (from Ch. 80, par. 203)

8 Sec. 3. Definitions. Unless otherwise expressly defined,
9 all terms in this Act shall be construed to have their
10 ordinarily accepted meanings or such meaning as the context
11 therein requires.

12 (a) "Person" means any legal entity, including but not
13 limited to, an individual, firm, partnership, association,
14 trust, joint stock company, corporation or successor of any of
15 the foregoing.

16 (b) "Mobile Home" means a structure designed for permanent
17 habitation and so constructed as to permit its transport on
18 wheels, temporarily or permanently attached to its frame, from
19 the place of its construction to the location or subsequent
20 locations at which it is intended to be a permanent habitation
21 and designed to permit the occupancy thereof as a dwelling
22 place of one or more persons, provided that any such structure
23 served by individual utilities and resting on a permanent

1 foundation, with wheels, tongue and hitch permanently removed,
2 shall not be construed as a "mobile home".

3 (c) "Mobile Home Park" or "Park" means an area of land or
4 lands upon which five or more independent mobile homes are
5 harbored for rent.

6 (d) "Park Owner" means the owner of a mobile home park and
7 any person authorized to exercise any aspect of the management
8 of the premises, including any person who directly or
9 indirectly receives rents and has no obligation to deliver the
10 whole of such receipts to another person.

11 (e) "Tenant" means any person who occupies a mobile home
12 rental unit for dwelling purposes or a lot on which he parks a
13 mobile home for an agreed upon consideration.

14 (f) "Rent" means any money or other consideration given for
15 the right of use, possession and occupancy of property, be it a
16 lot or mobile home.

17 (g) "Master antenna television service" means any and all
18 services provided by or through the facilities of any closed
19 circuit coaxial cable communication system, or any microwave or
20 similar transmission services other than a community antenna
21 television system as defined in Section 11-42-11 of the
22 Illinois Municipal Code.

23 (h) "Mobile home owner" means the owner of a mobile home.

24 (Source: P.A. 85-990.)

25 (765 ILCS 745/8.6 new)

1 Sec. 8.6. Cessation of park operation.

2 (a) A park owner who elects to cease the operation of
3 either all or a portion of the mobile home park shall pay to
4 the owner of each mobile home, or to the owner of each mobile
5 home located in the portion of the park that will cease
6 operation, that is occupied by the owner or by a family member
7 of the owner, at the mobile home owner's election, either: (1)
8 the mobile home owner's actual relocation costs or (2) the
9 appraised value of the mobile home.

10 (b) Relocation costs shall include the costs of
11 disconnecting and moving the home to a different park or other
12 location selected by the mobile home owner within a 100 mile
13 radius of the park, reconnecting the home with all hook-ups so
14 that it is substantially in the same condition as before the
15 move, with any required and comparable appurtenances, and the
16 reasonable costs of suitable lodging until the move and
17 installation are completed.

18 (c) The appraised value of the mobile home shall be the
19 fair market value of the home and any existing appurtenances
20 but excluding the value of the underlying land, determined by
21 an independent appraiser agreed to by the park owner and the
22 mobile home owner. In making the determination, the appraiser
23 shall assess fair market value based on the price that a
24 willing and able buyer intending to reside in the home would
25 pay for the home and any existing appurtenances, but excluding
26 the value of the underlying land, and shall assume that the

1 home is and will continue to be located on a lot which is
2 leased in a duly licensed mobile home park, with all hook-ups
3 and existing appurtenances in place for use and occupancy by
4 the resident.

5 (d) Notwithstanding subsections (a) and (c), the amount
6 paid to the owner of a mobile home for the appraised value of
7 the mobile home shall not be less than \$9,000. The \$9,000
8 figure shall be adjusted every 3 years, beginning on January 1,
9 2013, by the percentage change since the figure was last set or
10 adjusted in the Consumer Price Index for All Urban Consumers
11 for all items published by the United States Department of
12 Labor.

13 (e) A mobile home owner shall not be entitled to
14 compensation under item (1) of subsection (a) when:

15 (1) the park owner moves the mobile home to another
16 space in the mobile home park or to another mobile home
17 park at the park owner's expense;

18 (2) the mobile home owner is vacating the premises and
19 has informed the park owner or manager before notice of the
20 change in use has been given; or

21 (3) the mobile home owner or the person residing in the
22 mobile home has a pending eviction action for nonpayment of
23 lot rent amount pursuant to Section 15, which was filed
24 against him or her prior to the mailing date of the notice
25 of change in use of the mobile home park given pursuant to
26 Section 8.5, provided that, if a judgment for possession of

1 the premises is not entered in favor of the park owner,
2 this exception shall not apply.

3 (f) Payment of the appraised value or of the estimated
4 relocation costs, as the case may be, shall be made to the
5 mobile home owner no later than the departure of the residents
6 of the home from the park, with adjustments made for the total
7 actual relocation costs upon completion of relocation.

8 (g) The total amount paid under this Section by the park
9 owner must not exceed 40 percent of the sale price, or if no
10 sale price is available, the assessed value of the mobile home
11 park. If the amount available for relocation expenses is
12 reduced because of this restriction, the payments to each
13 mobile home owner shall be reduced proportionately.

14 (h) If the planned cessation of the operation of the mobile
15 home park requires a variance or zoning change, the park owner
16 must mail a notice at least 10 days before the hearing to a
17 resident of each mobile home in the mobile home park, stating
18 the time, place, and purpose of the public hearing.

19 (765 ILCS 745/10.5 new)

20 Sec. 10.5. Legislative findings regarding mobile home park
21 closures and tenant ownership of mobile home parks. The General
22 Assembly finds that:

23 (a) Mobile home parks provide a significant source of
24 homeownership opportunities for Illinois residents. However,
25 the increasing closure and conversion of mobile home parks to

1 other uses, combined with increasing mobile home lot rents, low
2 vacancy rates in existing mobile home parks, and the extremely
3 high cost of moving homes when mobile home parks close,
4 increasingly make mobile home park living insecure for mobile
5 home homeowner tenants.

6 (b) Many tenants who reside in mobile home parks are
7 low-income households and seniors and are, therefore, those
8 tenants most in need of reasonable security in the siting of
9 their mobile homes because of the adverse impacts on the
10 health, safety, and welfare of tenants forced to move due to
11 closure, change of use, or discontinuance of mobile home parks.

12 (c) The preservation of mobile home parks:

13 (1) is a more economical alternative than providing new
14 replacement units for homeowner tenants who are displaced
15 from closing mobile home parks;

16 (2) is a strategy by which all local jurisdictions may
17 meet the affordable housing needs of their residents; and

18 (3) should be a goal of all local governments.

19 (d) The loss of mobile home parks should not result in a
20 net loss of affordable housing, thus compromising a local
21 jurisdiction's ability to meet the affordable housing needs of
22 its residents.

23 (e) The closure of mobile home parks has serious
24 environmental, safety, and financial impacts including:

25 (1) mobile homes that cannot be moved to other
26 locations add to Illinois' landfills;

1 (2) homes that are abandoned may attract crime; and
2 (3) vacant homes not to be re-occupied need to be
3 tested for asbestos and lead and these toxic materials need
4 to be removed prior to demolition.

5 (f) Mobile home park residents who own the real estate as
6 well as their homes are able to exercise self-governance and
7 experience fewer societal conflicts, resulting in a lesser
8 usage of police resources.

9 (765 ILCS 745/10.6 new)

10 Sec. 10.6. Notice required before sale.

11 (a) No mobile home park owner shall make a final
12 unconditional acceptance of any offer for the sale, lease, or
13 transfer of a mobile home park, or any portion of a park (other
14 than a lease of a lot to a tenant) without first giving 60
15 days' notice to each tenant and to the Illinois Department of
16 Public Health, containing the following information:

17 (1) that the owner intends to sell, lease, or transfer
18 the mobile home park;

19 (2) the price, terms, and conditions of an acceptable
20 offer the park owner has received to sell the park or the
21 price, terms, and conditions for which the park owner
22 intends to sell the park, and a statement that the park
23 owner will, upon request of a representative of the
24 tenants, provide a copy of the signed written offer the
25 park owner has received; and

1 (3) a statement that the owner will consider an offer
2 received from the tenants or a tenants' association within
3 60 days from the date of the notice, and in such case will
4 negotiate with the tenants in good faith.

5 (b) During the notice period required under subsection (a),
6 the mobile home park owner shall consider any offer received
7 from the tenants or a tenants' association, if any, and the
8 owner shall negotiate in good faith with the tenants concerning
9 a potential purchase or lease. If, during the notice period,
10 the tenants decide to make an offer to purchase or lease the
11 mobile home park, such offer shall be evidenced by a purchase
12 and sale agreement, or a comparable agreement; however, the
13 tenants shall have a reasonable time beyond the 60-day period,
14 if necessary, to obtain financing for the purchase or lease.

15 (c) The notice required by subsection (a) shall be served
16 by certified mail, return receipt requested, to each tenant at
17 such tenant's abode and to the Illinois Department of Public
18 Health at its main office. A receipt from the United States
19 Postal Service that is signed by any adult member of the
20 household to which it was mailed, or a notation on the letter
21 that the letter was refused by any adult member of the tenant
22 household, or that the addressee no longer resides there, or
23 that the letter was returned to the post office unclaimed,
24 shall constitute a conclusive presumption that service was made
25 in any court action in this State. A receipt from the United
26 States Postal Service that is signed by an employee of the

1 Illinois Department of Public Health shall constitute a
2 conclusive presumption that service was made on the authority
3 in any court action in this State.

4 (d) The park owner shall, upon the request of a
5 representative of the tenants, provide a copy of the signed
6 written offer the park owner has received and any other
7 documentation that is customarily provided to potential
8 commercial buyers.

9 (765 ILCS 745/10.7 new)

10 Sec. 10.7. Exceptions. Notwithstanding the provisions of
11 Section 10.6, the owner of a mobile home park shall not be
12 required to give notice to the tenants if:

13 (1) the park is being sold at a foreclosure sale;

14 (2) the sale, lease, or transfer is to a family member
15 of the owner or to a trust, the beneficiaries of which are
16 family members of the owner;

17 (3) the sale, lease, or transfer is by a partnership to
18 one or more of its partners;

19 (4) the conveyance of an interest in the park is
20 incidental to the financing of such park;

21 (5) the sale, lease, or transfer is between joint
22 tenants or tenants in common; or

23 (6) the sale is pursuant to eminent domain.

24 (765 ILCS 745/11) (from Ch. 80, par. 211)

1 Sec. 11. Provisions of mobile home park leases. Any lease
2 hereafter executed or currently existing between an owner and
3 tenant in a mobile home park in this State shall also contain,
4 or shall be made to contain, the following covenants binding
5 the owner at all times during the term of the lease to:

6 (a) identify to each tenant prior to his occupancy the
7 lot area for which he will be responsible;

8 (b) keep all exterior property areas not in the
9 possession of a tenant, but part of the mobile home park
10 property, free from the species of weeds and plant growth
11 which are generally noxious or detrimental to the health of
12 the tenants;

13 (c) maintain all electrical, plumbing, gas or other
14 utilities provided by him in good working condition with
15 the exception of emergencies after which repairs must be
16 completed within a reasonable period of time;

17 (d) maintain all subsurface water and sewage lines and
18 connections in good working order;

19 (e) respect the privacy of the tenants and if only the
20 lot is rented, agree not to enter the mobile home without
21 the permission of the mobile home owner, and if the mobile
22 home is the property of the park owner, to enter only after
23 due notice to the tenant, provided, the park owner or his
24 representative may enter without notice in emergencies;

25 (f) maintain all roads within the mobile home park in
26 good condition;

1 (g) include a statement of all services and facilities
2 which are to be provided by the park owner for the tenant,
3 e.g. lawn maintenance, snow removal, garbage or solid waste
4 disposal, recreation building, community hall, swimming
5 pool, golf course, laundromat, etc.;

6 (h) disclose the full names and addresses of all
7 individuals in whom all or part of the legal or equitable
8 title to the mobile home park is vested, or the name and
9 address of the owners' designated agent;

10 (i) provide a custodian's office and furnish each
11 tenant with the name, address and telephone number of the
12 custodian and designated office; -

13 (j) provide the tenant at least 60 days' notice before
14 making a final unconditional acceptance of any offer for
15 the sale, lease, or transfer of the mobile home park or
16 portion of the park (other than a lease of a lot to a
17 tenant and other than the circumstances described in
18 Section 10.7) which: (i) states that the owner intends to
19 sell, lease, or transfer the mobile home park; (ii) states
20 the price, terms, and conditions of an acceptable offer the
21 park owner has received to sell, lease, or transfer the
22 park or the price, terms, and conditions for which the park
23 owner intends to sell, lease, or transfer the park,
24 including a copy of the signed written offer which sets
25 forth a description of the property to be purchased,
26 leased, or transferred and the price, terms, and conditions

1 of the acceptable offer; and (iii) states that the owner
2 will consider any offer received from the tenants or a
3 tenants' association within 60 days from the date of the
4 notice, and in such case will negotiate with the tenants in
5 good faith;

6 (k) consider any offer to purchase the park received
7 from the tenants or a tenants' association and negotiate in
8 good faith with the tenants concerning a potential
9 purchase.

10 (Source: P.A. 90-655, eff. 7-30-98.)

11 Section 97. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.